

## **1-1-.04 Minimum Physical Requirements Required to Obtain a Commercial Driver's License. Amended.**

~~1.~~ (1) Any person applying for a CLP; renewing, upgrading, adding endorsements to a CDL, or transferring a CDL license from another state will be required to self-certify to a single type of commercial operation and provide a copy of their ~~M~~medical ~~C~~ertificate and any applicable variance documents (i.e. ~~V~~vision waivers, ~~H~~hearing waivers, Skills Performance waivers, ~~D~~diabetic waivers, ~~S~~seizure waivers).

~~1.~~ (a) Each individual holding a CLP or CDL license will be responsible for providing new copies of ~~M~~medical ~~E~~xaminer ~~C~~ertificates and any applicable variances (i.e. ~~V~~vision waivers, ~~H~~hearing waivers, Skills Performance waivers, ~~D~~diabetic waivers, ~~S~~seizure waivers) prior to the expiration of the previous documents.

~~2.~~ (b) The Department of Driver Services shall within ten (10) calendar days of the driver's medical certification status expiring or a medical variance expiring or being rescinded, update the medical certification status of that driver as "not-certified".

~~3.~~ (c) The Department of Driver Services shall notify the CLP or CDL holder of ~~his/her~~their CLP/CDL "not certified" medical certification status and that the CMV privileges will be removed ~~the~~ unless the driver submits a current medical certificate and/or medical variance.

~~4.~~ (d) The CLP or CDL downgrade must be completed by the Department of Driver Services and recorded in the person's driving record within sixty (60) days of the driver's medical certification status becoming "not-certified" to operate a CMV.

~~5.~~ (e) Failure to provide valid medical certificates and/or variances may require retesting and additional fees to restore CLP or CDL privileges. -Test scores are valid for one (1) year.

~~2.~~ (2) Any person applying for a license to operate a commercial motor vehicle as defined in O.C.G.A. § 40-5-142, 49 C.F.R. §.390.5, and/or compatible regulations of the Department of Driver Services must comply with minimum Federal requirements as set forth in 49 C.F.R. §.391.41.

~~3.~~ (3) Except as provided in paragraph (34) of this regulation, any person applying for a license to operate a commercial motor vehicle as defined in O.C.G.A. § 40-5-142, 49 C.F.R. §.390.5, or similar regulations of the Department of Driver Services shall have a distant visual acuity of at least 20/40 in each eye without corrective lenses or visual acuity separately corrected to 20/40 or better with corrective lenses; distant binocular acuity of at least 20/40 in both eyes; or without corrective lenses, field of vision of at

least 70 in the horizontal meridian in each eye; and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

~~4.~~ (4) Any person applying for a CLP or CDL to operate a commercial motor vehicle as defined in O.C.G.A. § 40-5-142, 49 C.F.R. § 390.5, or similar regulations of the Department of Driver Services solely within the State of Georgia who has lost some or all of the vision in one (1) eye may be exempted from the vision standard set forth in paragraph ~~(23)~~ of this regulation by providing the Department of Driver Services with medical evidence satisfactory to the Department of Driver Services that states vision in the other eye satisfies the requirements set forth in paragraph ~~(23)~~ of this regulation. Said medical evidence shall include completion of the prescribed form ~~CDL Vision Exemption Form (DDS-VE1)~~ from a certified ophthalmologist or optometrist who has examined the applicant within three (3) months of the date of the application which:

- ~~1.~~ (a) Identifies and defines the nature and duration of the vision deficiency;
- ~~2.~~ (b) States the date of examination;
- ~~3.~~ (c) Certifies that the visual deficiency is stable;
- ~~4.~~ (d) Identifies the visual acuity of each eye, corrected and uncorrected;
- ~~5.~~ (e) Identifies the field of vision of each eye, including central and peripheral fields, testing to at least 120° in the horizontal. (Formal perimetry is required. The doctor must submit the formal perimetry for each eye and interpret the results in degrees of field of vision.);
- ~~6.~~ (f) Identifies if the applicant has the ability to recognize the colors of traffic control signals and devices showing red, green, and amber;
- ~~7.~~ (g) Certifies that in his/her medical opinion, the applicant has sufficient vision to perform the driving tasks required to operate a commercial vehicle;
- ~~8.~~ (h) A three (3) year motor vehicle report will be obtained on each applicant applying for a vision waiver. -Waivers will only be granted to those applicants whose records contain no suspensions, withdrawals, or revocations for the operation of any motor vehicle (including personal vehicles); contains no involvement in an accident for which they contributed or received a citation for a moving traffic violation; contains no convictions for a disqualifying offense, as defined in 49 CFR § 383.51 (b)(2), or more than one serious traffic violation as defined in 49 CFR § 383.51, while driving a CMV during the three ~~(3)~~ year period, which disqualified or should have disqualified the applicant in accordance with the driver qualification provisions of 49 CFR § 383.51; contains no more than two ~~(2)~~ convictions for any other moving traffic violations;
- ~~9.~~ (i) An exemption may be issued for a maximum of two (2) years, but may be renewed at the discretion of the Department of Driver Services; and

5. (5) A driver after holding a state waiver for three (3) years is eligible to apply for a federal vision exemption waiver in accordance with 49 CFR § 381.300.
6. (6) A driver who does not meet the physical qualification standards in 49 CFR § 391.41 may continue to be qualified to operate a commercial motor vehicle in intrastate commerce if ~~he or she~~they meets the following conditions:
7. (a) The driver was qualified under existing State law or regulation at the time the State adopted physical qualification standards compatible with the Federal standards in 49 CFR 391.41.
8. (b) The otherwise non-qualifying medical or physical condition has not substantially worsened.
9. (c) No other non-qualifying medical or physical condition has developed.
- ~~10.~~ (d) The driver has not downgraded to a lesser class license since taking the required CDL knowledge test(s) from a Class 5 license to a CDL license. ~~Note: 'Grandfathered' means by taking the required CDL knowledge test(s).~~

**Authority: O.C.G.A. §§ 40-5-156, 49 C.F.R. § 390.9.**

## **SYNOPSIS**

### **STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE**

The purpose of this amendment is to review and update the Commercial Driver's Licensing rules.

### **DIFFERENCE BETWEEN EXISTING AND PROPOSED RULE**

The proposed amendment removes the meaning of the term 'Grandfathered'. The rule title, numbering format, and statutory authority are updated.